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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

101073,582

Filing Date

02/12, 2002

First Named Inventor

David S. Browe

Art Unit

2838

Examiner Name

Tibbits

Attorney Docket Number

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Response to Missing Parts/
Incomplete ApplicationResponse to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s) Fig. 3



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

Remarks

After Allowance communication
to GroupAppeal Communication to Board
of Appeals and InterferencesAppeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please
Identify below):RECEIVED
JUN 23 2003
TECHNOLOGY CENTER 2800**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual name

Werner H. Schroeder

Signature

Werner H. Schroeder

Date

06/16/03

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06/16/03

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Amendment and Argument after Final

Application SN. 10/073,582

#8
Response
J.W.L.
6-2707

This communication is a response to the Final rejection having a mailing date of 05/14/2003 and setting forth a shortened statutory period for response which would expire on 08/14/2003

The applicant will follow the examiner's paragraph numbering in the detailed action.

1. The examiner acknowledges the power of attorney of Werner H. Schroeder
2. The examiner objects to the drawings under 37 CFR 1.83(a) "because they fail to show the conventional names as described in the specification". The applicant has studied the cited 37CFR Par. carefully but is of the opinion that the examiner's insistence of correction is unwarranted. The rule states that the various elements should be illustrated but not must be illustrated. The applicant chose to refer to all of the claimed elements by numerals rather than words and the examiner is respectfully asked to accept this interpretation of 37 CFR 1.83(a).
3. The examiner objects to the drawings for failure to show an element 26 described in the specification on page 6. This failure will be corrected and shown on corrected drawings attached to this action.
4. The examiner states "that the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. As a sample, the examiner cites "automobile batteries" What is wrong with this wording? Would the examiner rather see the wording of "automotive batteries? The examiner states "that the description of "automobile batteries is incorrect".

Would the examiner be so kind to express or inform the applicant what is correct.
The applicant is using automobile batteries in the invention at hand.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter "a stand alone container" and "solar panels located on said container". It is believed that the specification throughout its disclosure makes it clear that the solar power unit is self-contained and is a mobile unit that can be deployed on a short term notice including the solar panels contained on the self-contained enclosure or container. The examiner's attention is directed to Fig. 3, for example, wherein the solar panels 16 are mounted or contained on the housing 16. It is believed that that the applicant has provided a proper antecedent for "the solar panels located on said container". Again see Fig. 3 and the specification on page 7 the second paragraph.

6. This is a recitation of 35 U.S.C 112 second par.

7. Claims 1 - 18 are rejected under 35 U.S.C. 112 2nd Par. as failing to define the invention in the manner as is required by this paragraph.

8. Claims 1 -18 are rejected under 35 U.S.C 112 2nd Par. as being indefinite for failing to particularly point out and distinctly claim the subject matter as is required by this paragraph.

With regard to claim 1 (amended), the examiner has a problem with the "stand-alone container" contradicting subsequent statements i.e. (storage batteries for providing auxiliary power when required). The examiner admonishes the applicant to distinguish whether the solar panels are the only source of power or not. From the specification and the claims it is clear that the stand-alone and self-contained container can operate on its own by using the power of the batteries or by

recharging the batteries by solar power, through the use of the solar panels which are mounted on the self-contained container.

Claim 10 (amended). According to the examiner, the statement "**a water filtration apparatus that is self-contained within a stand-alone container**" is **confusing.**" Since Fig. 1 describes a container 12 containing batteries, and on page 6 of the specification it is described "a pair of such DC outlets 26 are shown at the side of the enclosure or container 12 in Fig. 3". The examiner continues to admonish the applicant that "applicant needs to distinguish whether the solar panels are the only source of power or not.

In response to this admonishment the applicant addresses claim 10 (amendment) just the way it reads, in that solar panels collect electrical energy which electrical energy is channeled to electric storage batteries. The applicant cannot see what is confusing about this statement or recitations. From the claimed subject matter it appears that the solar panels are the only source of power or not. The batteries do operate the filtration system and the solar panels do recharge the batteries in the same manner as automobile batteries are recharged by the alternator in the engine compartment. The pair of DC outlets 26 shown at the side of the enclosure or container 12 in Fig. 3 are shown to illustrate electrical outlets to enable the operator to operate other appliances.

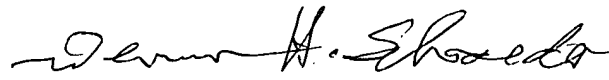
The examiner has a problem with the amended limitation "**solar panels located on said container.**" To answer and alleviate this problem, it is believed that the specification makes it perfectly clear that the solar panels can be used in two ways, that is, installed in or on the self-contained container or remote therefrom such as on a roof, for example. In claim 1 (amended), the solar panels are not necessarily contained in or on the container but could be used remote therefrom. while in claim 10 (amended) the solar panels are carried by said container.

9. Recitation of 35 U.S.C. 103(a)

10. Claims 1 - 7, 10, 11, 14 - 18, as best as understood, are rejected under 35 U.S.C. 103 (a) as being unpatentable over Staschik.

The examiner is correct in observing that Staschik discloses a water filtration system including a renewable stored energy apparatus. The apparatus is pre assembled in a factory and then shipped by truck to the site where it is to be installed in a house or building under construction. Once the apparatus is installed by a forklift, for example, it is not intended to be moved anywhere else such as by hand, which is acknowledged by the examiner. The citation "In re Lindberg" does not make it obvious to convert the apparatus of Staschik so it can be moved by hand. It is not meant to be movable once it is installed in place. Applicant's container is meant to be movable to any location where it is desired and feasible.

The examiner is modifying the Starschick apparatus again with regard to the claimed limitation of **"solar panels located on said container"** absent any criticality. This is the crux of the applicant's invention to have the elements of the apparatus self-contained in a container, to make it movable by hand and to have the solar panels contained on the container to be readily movable with the container and ready for use and deployment when necessary. The apparatus of Staschik must be modified many times in order to come up with what applicant is claiming regardless of the demands and what is taught in **In re Japikse**. It is held that when a person having ordinary skill in the art is confronted with the Staschik reference alone, that person would not be able to write applicant's claims which would be a clear indication of non-obviousness. The examiner is again requested to reconsider applicant's arguments in the last amendment and the ones presented in this response. If the examiner is still not convinced, please enter this response for appeal purposes.


Werner H. Schroeder

Reg. No. 36,387

Date of Signature: 06/16/03